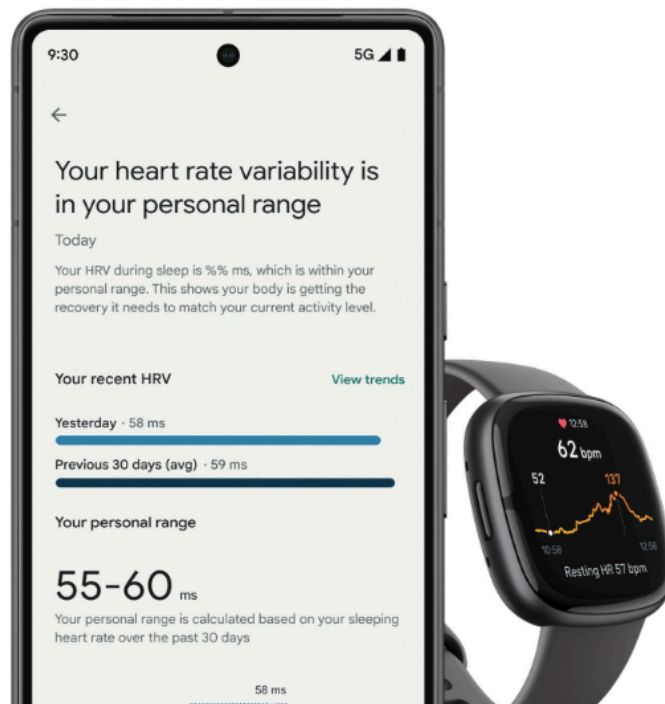


**U.S. Patent No. US 10,565,888 v. Google LLC**

## 1. Claim Chart

Claim	Analysis
<p>[5.P] A system, comprising:</p>	<p>Alphabet (“Company”) makes, uses, sells, and/or offers to sell a system.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, Company provides a Fitbit application, installed on multiple products including, but not limited to, a smartphone and a tablet (“system”) that evaluates multiple health parameters for a user such as Heart rate variability and sleep score, received from the Fitbit watch worn by the user.</p> <div data-bbox="424 672 892 1344"> </div> <p>Fitbit application installed in a smartphone.</p> <p>Source: <a href="https://www.fitbit.com/global/us/technology/fitbit-app">https://www.fitbit.com/global/us/technology/fitbit-app</a> (annotated)</p>

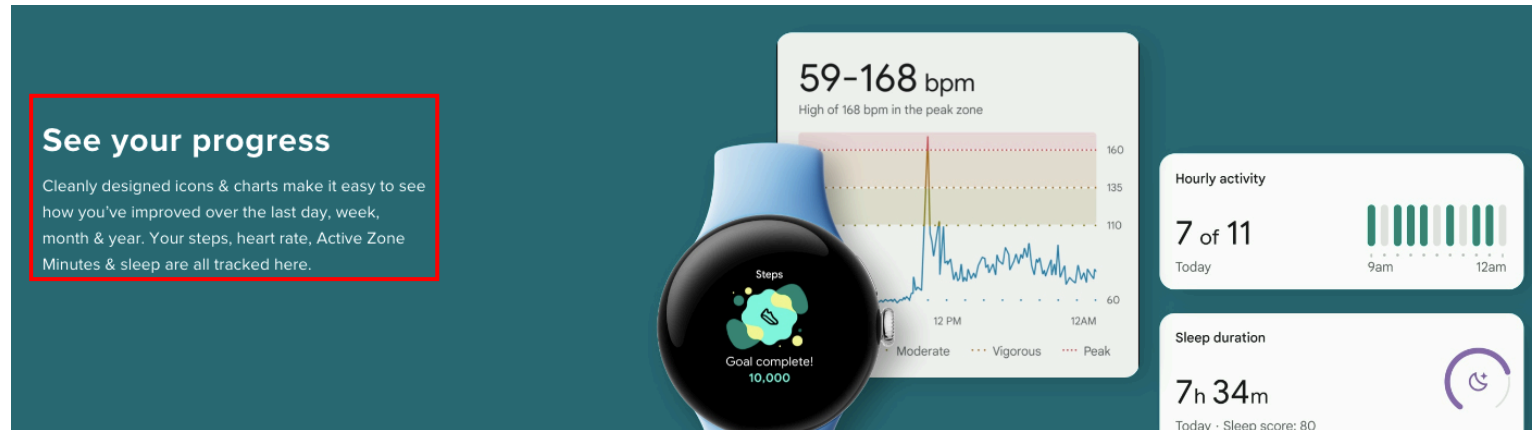


### Heart rate variability

Heart rate variability (HRV) is the variance in time between heartbeats while you're asleep. A high variability is a positive sign of readiness and will contribute to a high score. Low variability is often connected with increased stress or strain on the body, leading to less energy.




Source: <https://www.fitbit.com/global/us/technology/daily-readiness-score>



Source: <https://www.fitbit.com/global/us/technology/fitbit-app>

#### ^ What are health metrics in the Fitbit app?

This feature tracks key metrics detected by your Fitbit device so that you can see trends and assess what's changed over time. The Health Metrics tile  in the Fitbit app includes:

- Breathing rate
- Heart-rate variability (HRV)
- Skin temperature variation
- Oxygen saturation (SpO2)
- Resting heart rate (RHR)

Source: [https://help.fitbit.com/articles/en\\_US/Help\\_article/2462.htm](https://help.fitbit.com/articles/en_US/Help_article/2462.htm)

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.

[5.1] a score component configured to assign a score to at least one aspect of an actual action of a user, where the at least one aspect comprises a physical range of motion during at least part of the actual action of the user such that the score accounts for the physical range of motion;

Company provides a score component configured to assign a score to at least one aspect of an actual action of a user, where the at least one aspect comprises a physical range of motion during at least part of the actual action of the user such that the score accounts for the physical range of motion.

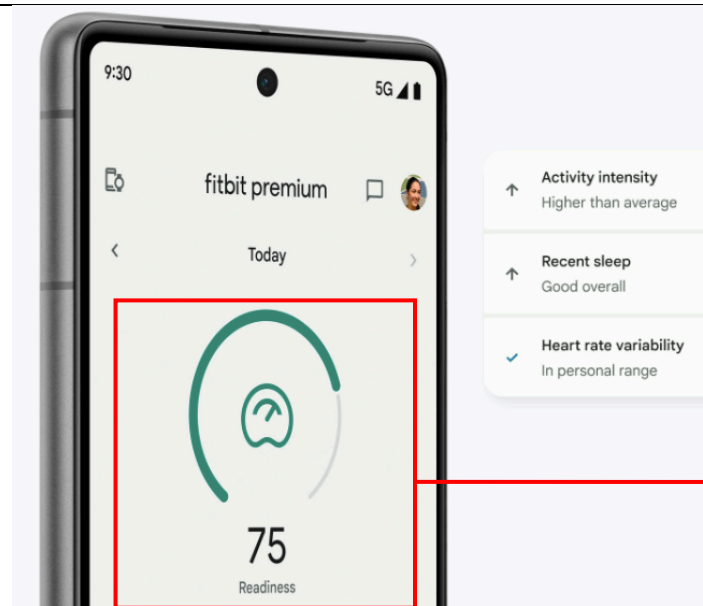
This element is infringed literally, or in the alternative, under the doctrine of equivalents.

For example, when the user wears the Fitbit watch and performs an exercise, such as running ("physical range of motion"), the watch measures multiple health-related parameters such as heart rate, calories burnt, and the average pace per mile. Further, the watch shares health-related information with the Fitbit application, which further provides a feature of daily readiness score that indicate the performance output of the user ("actual action of the user") according to the set goals. Therefore, it would be apparent for a person having ordinary skills in the art that the application comprises a score component that assigns a score in the form of daily readiness score, according to the activities performed by the user.

Most devices automatically track several exercises, including a walk, run, or elliptical workout.

Source: [https://help.fitbit.com/articles/en\\_US/Help\\_article/1935.htm](https://help.fitbit.com/articles/en_US/Help_article/1935.htm) (annotated)

physical  
range of  
motion



Daily  
Readiness  
Score

Score: <https://www.fitbit.com/global/us/technology/daily-readiness-score> (annotated)



Source: <https://www.fitbit.com/global/us/products/smartwatches/versa4>, at 0:45

### **What is Daily Readiness Score?**

Daily Readiness Score uses your Fitbit data to assess whether you're ready to work out or should prioritize recovery. Over time, it will help you understand how your activity levels, sleep patterns and heart rate variability from previous days contribute to how energized you feel today. **Watch this video to learn more.**

### **How is Daily Readiness Score calculated?**

The score compares your recent activity, sleep and heart rate variability (HRV) levels against your personal baseline.

Source: <https://www.fitbit.com/global/us/technology/daily-readiness-score>

	<p><b>What does a high or low score mean?</b></p> <p>A high score means you're ready for a higher-intensity workout. A low score means your body is fatigued from a tough workout, poor sleep, stress or strain on the body—or a combination of these factors. Prioritize rest &amp; recovery on low score days.</p> <p>See what to expect on high- and low-score days below.</p> <p>Source: <a href="https://www.fitbit.com/global/us/technology/daily-readiness-score">https://www.fitbit.com/global/us/technology/daily-readiness-score</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[5.2] a selection component configured to select a training plan for the user that corresponds to the score that accounts for the physical range of motion, where</p>	<p>Company provides a selection component configured to select a training plan for the user that corresponds to the score that accounts for the physical range of motion, where the selection component selects the selected training plan from a training plan set comprising a first training plan and a second training plan.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, on the basis of tracking the user's activity ("physical range of motion") by the Fitbit Watch, the Fitbit application suggests a Fitbit premium workout ("selected training plan") among a set of workouts ("training plan set"). Therefore, upon information and belief, the application comprises a selection component configured to select the Fitbit premium workout from a set of workouts that comprises a first training plan and a second training plan.</p>

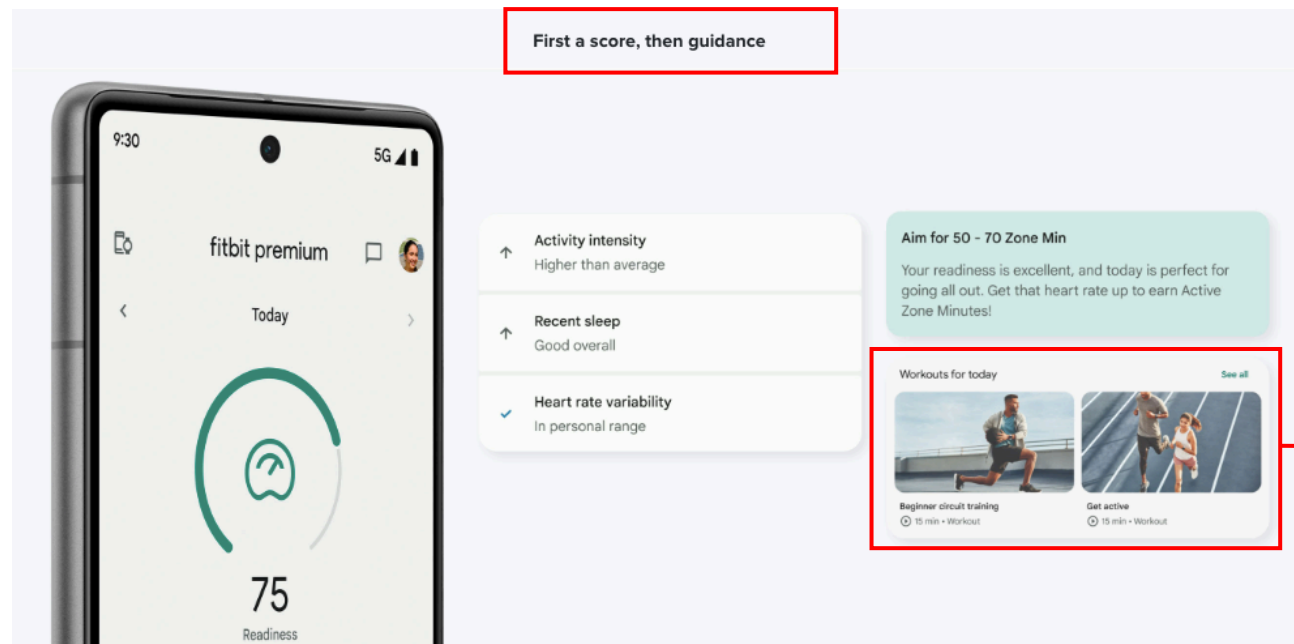


the selection component selects the selected training plan from a training plan set comprising a first training plan and a second training plan;

A high readiness score (30 or above) means you're ready to exercise. When you check your score in the Fitbit app, you'll see suggested Fitbit Premium workouts and a personalized Active Zone Minutes goal to help you stay motivated.

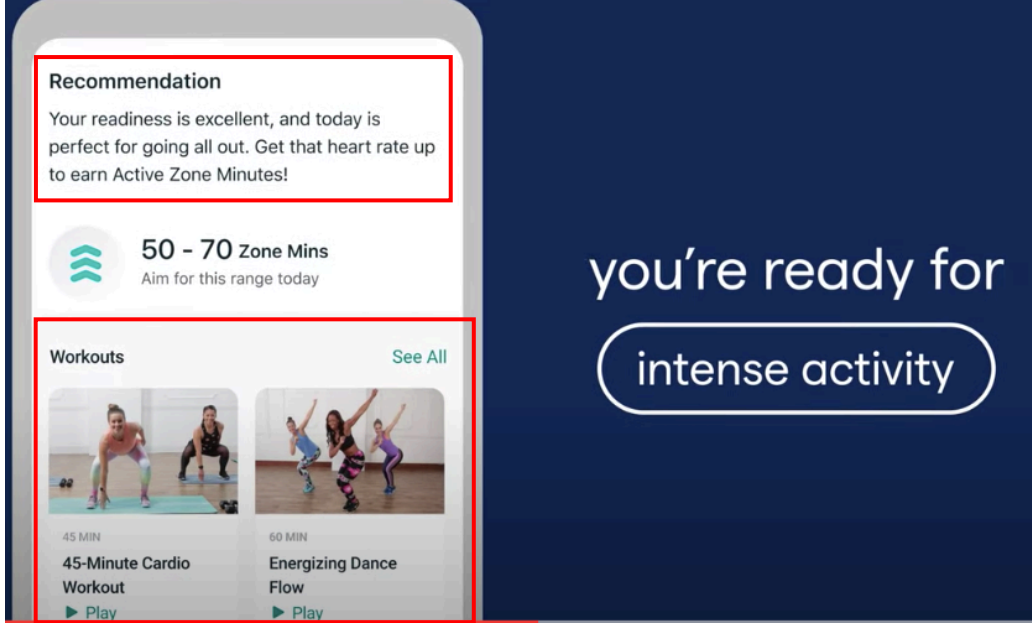
Source:

[https://help.fitbit.com/articles/en\\_US/Help\\_article/2470.htm#:~:text=A%20high%20readiness%20score%20\(30,to%20help%20you%20stay%20motivated.](https://help.fitbit.com/articles/en_US/Help_article/2470.htm#:~:text=A%20high%20readiness%20score%20(30,to%20help%20you%20stay%20motivated.)



Source: <https://www.fitbit.com/global/us/technology/daily-readiness-score> (annotated)

Training  
plan set

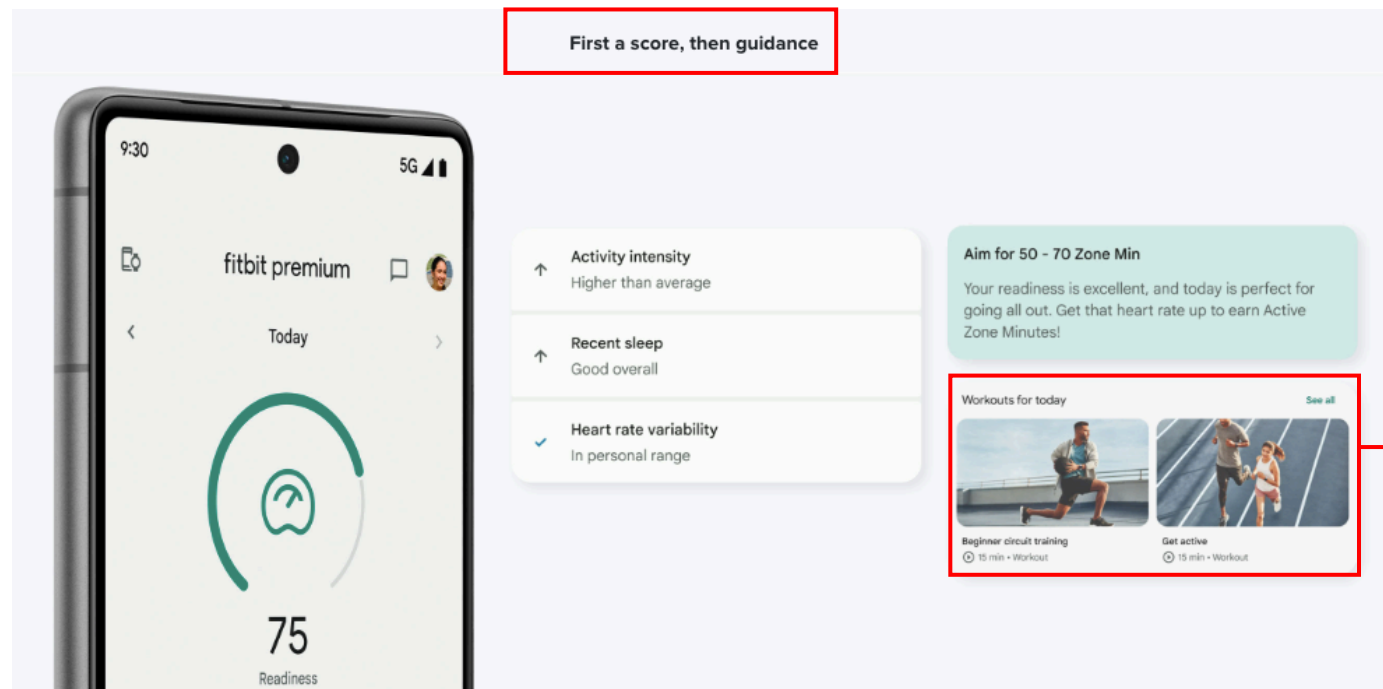
	 <p>Source: <a href="https://www.youtube.com/watch?v=6rWc7gxgu6Y">https://www.youtube.com/watch?v=6rWc7gxgu6Y</a>, at 0:35</p> <p>Further, to the extent this element is performed at least in part by Defendant’s software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[5.3] an output component configured to cause the selected training plan to be presented to a user, by way of a display as a</p>	<p>Company provides an output component configured to cause the selected training plan to be presented to a user, by way of a display as a recommended training plan.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the Fitbit application displays (“output component”) the suggested Fitbit premium workouts (“selected training plan”) along with the score for the user.</p>

recommended training plan;

A high readiness score (30 or above) means you're ready to exercise. When you check your score in the Fitbit app, you'll see suggested Fitbit Premium workouts and a personalized Active Zone Minutes goal to help you stay motivated.

Source:

[https://help.fitbit.com/articles/en\\_US/Help\\_article/2470.htm#:~:text=A%20high%20readiness%20score%20\(30,to%20help%20you%20stay%20motivated.](https://help.fitbit.com/articles/en_US/Help_article/2470.htm#:~:text=A%20high%20readiness%20score%20(30,to%20help%20you%20stay%20motivated.)

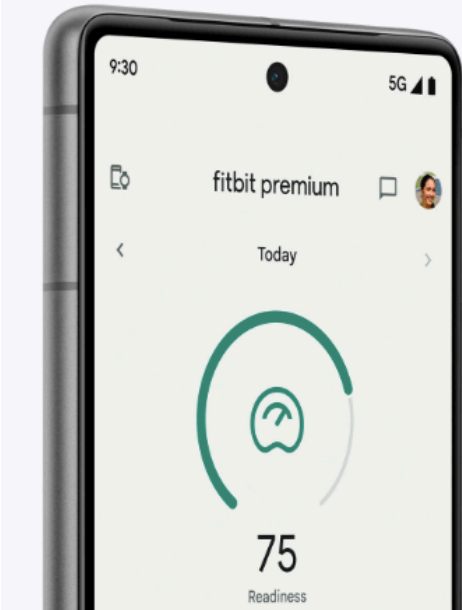


Source: <https://www.fitbit.com/global/us/technology/daily-readiness-score> (annotated)

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.

<p>[5.4] a reception component configured to receive an indication, by way of the display, that the user desires for the selected training plan to be a current training plan for the user; and</p>	<p>Company provides a reception component configured to receive an indication, by way of the display, that the user desires for the selected training plan to be a current training plan for the user.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the Fitbit application displays the suggested Fitbit premium workouts (“selected training plan”) and provides the post-workout summary. Therefore, upon information and belief, when the user selects the suggested workout, the reception component in the application receives an indication in the form of selection such that the user desires for the suggested workout to be a current training plan.</p> <p>A high readiness score (30 or above) means you’re ready to exercise. When you check your score in the Fitbit app, you’ll see suggested Fitbit Premium workouts and a personalized Active Zone Minutes goal to help you stay motivated.</p> <p>Source:  <a href="https://help.fitbit.com/articles/en_US/Help_article/2470.htm#:~:text=A%20high%20readiness%20score%20(30,to%20help%20you%20stay%20motivated.">https://help.fitbit.com/articles/en_US/Help_article/2470.htm#:~:text=A%20high%20readiness%20score%20(30,to%20help%20you%20stay%20motivated.</a></p>
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First a score, then guidance



fitbit premium

Today

75  
Readiness

Activity intensity  
Higher than average

Recent sleep  
Good overall

Heart rate variability  
In personal range

Aim for 50 - 70 Zone Min  
Your readiness is excellent, and today is perfect for going all out. Get that heart rate up to earn Active Zone Minutes!

Workouts for today


Beginner circuit training  
15 min • Workout

Get active  
15 min • Workout

See all

Training plans

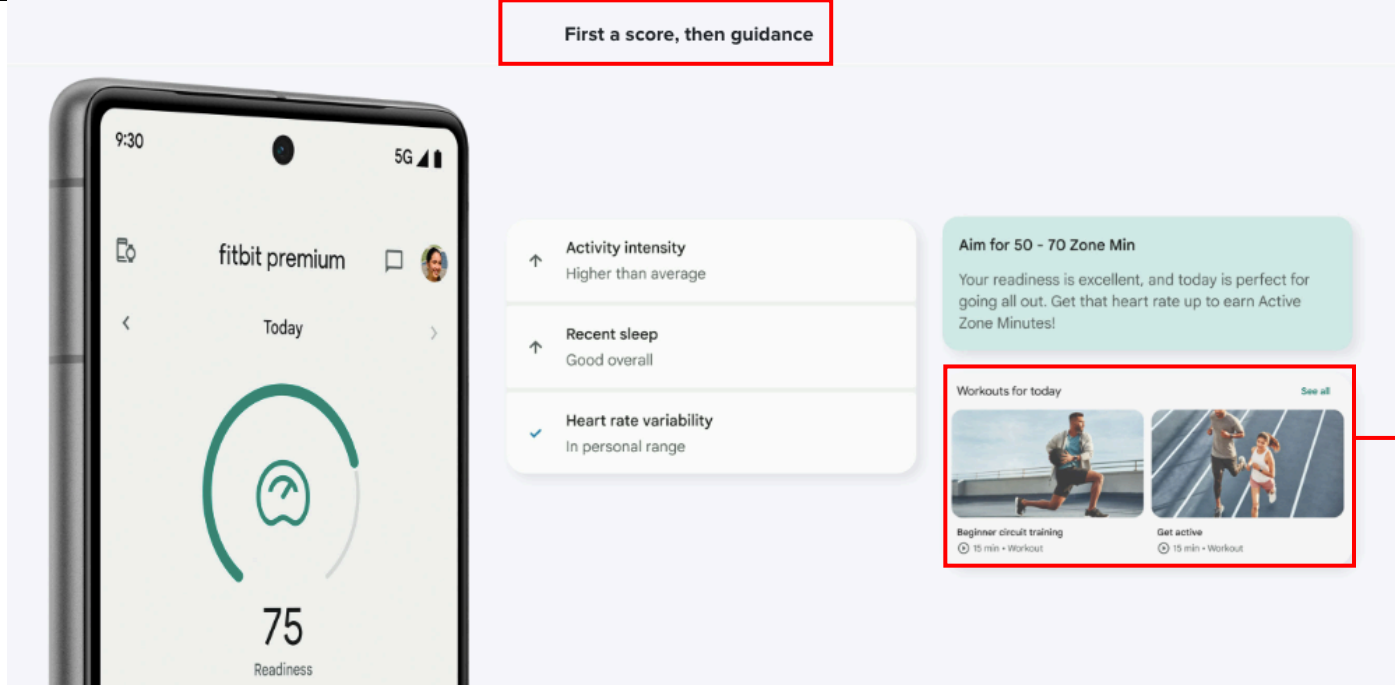

Source: <https://www.fitbit.com/global/us/technology/daily-readiness-score> (annotated)

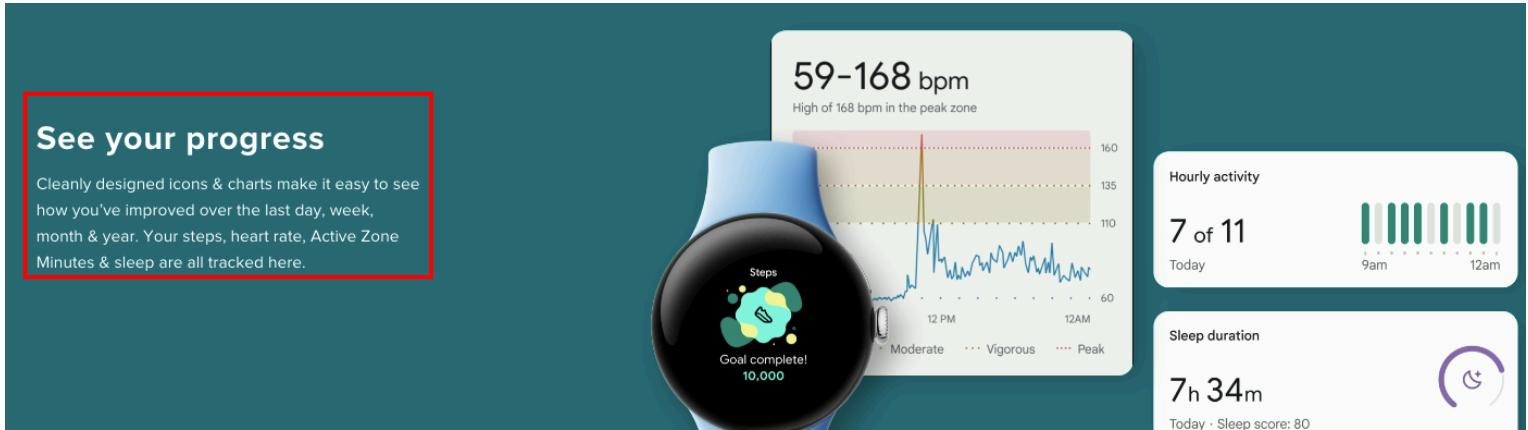
Automatically track exercise or track activity with the Exercise app  to see real-time stats and a post-workout summary.

Source: [https://help.fitbit.com/manuals/manual\\_versa\\_4\\_en\\_US.pdf](https://help.fitbit.com/manuals/manual_versa_4_en_US.pdf), Page 50

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.

<p>[5.5] an appointment component configured to appoint the selected training plan as the current training plan for the user in response to the indication that the user desires for the selected training plan to be the current training plan,</p>	<p>Company provides an appointment component configured to appoint the selected training plan as the current training plan for the user in response to the indication that the user desires for the selected training plan to be the current training plan.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, upon information and belief, after the user selects the suggested workout (“in response to the indication that the user desires for the selected training plan to be the current training plan”), the appointment component in the application appoints the suggested workout as the current training plan for the user and then, provides a post-workout summary.</p> <p>A high readiness score (30 or above) means you’re ready to exercise. When you check your score in the Fitbit app, you’ll see suggested Fitbit Premium workouts and a personalized Active Zone Minutes goal to help you stay motivated.</p> <p>Source:  <a href="https://help.fitbit.com/articles/en_US/Help_article/2470.htm#:~:text=A%20high%20readiness%20score%20(30,to%20help%20you%20stay%20motivated.">https://help.fitbit.com/articles/en_US/Help_article/2470.htm#:~:text=A%20high%20readiness%20score%20(30,to%20help%20you%20stay%20motivated.</a></p>
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	<div data-bbox="420 240 1806 922">  <p>The screenshot shows the Fitbit Premium app interface. At the top, a red box highlights the text "First a score, then guidance". The main display shows a large green circular progress indicator with the number "75" and the word "Readiness" below it. To the right of the progress indicator, there are three stacked cards: "Activity intensity" (Higher than average), "Recent sleep" (Good overall), and "Heart rate variability" (In personal range). Further right, there is a green box with the text "Aim for 50 - 70 Zone Min" and a paragraph of encouragement. Below this, a red box highlights a section titled "Workouts for today" which contains two workout cards: "Beginner circuit training" (15 min • Workout) and "Get active" (15 min • Workout). A red line points from the text "Training plans" to this section.</p> </div> <p>Source: <a href="https://www.fitbit.com/global/us/technology/daily-readiness-score">https://www.fitbit.com/global/us/technology/daily-readiness-score</a> (annotated)</p> <p>Automatically track exercise or track activity with the Exercise app  to see real-time stats and a <span style="border: 1px solid red; padding: 2px;">post-workout summary</span>.</p> <p>Source: <a href="https://help.fitbit.com/manuals/manual_versa_4_en_US.pdf">https://help.fitbit.com/manuals/manual_versa_4_en_US.pdf</a>, Page 50</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[5.6] where the score component, the selection</p>	<p>Company provides a system where the score component, the selection component, the output component, the reception component, the appointment component, or a combination thereof implement, at least in part, by way of non-software.</p>

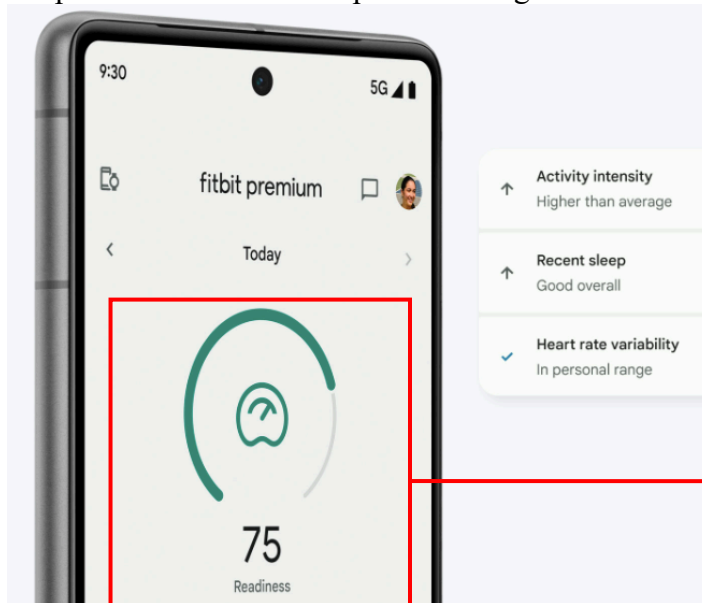
<p>component, the output component, the reception component, the appointment component, or a combination thereof implement, at least in part, by way of non-software.</p>	<p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the process of scoring, suggesting the Fitbit premium workout, displaying the workouts, and implementing the selected workout ("the score component, the selection component, the output component, the reception component, the appointment component, or a combination thereof"), is completed by using Fitbit watch ("non-software"), that provides health related information to the Fitbit application installed in the smartphone or tablet.</p> <p>Most devices automatically track several exercises, including a walk, run, or elliptical workout.</p> <p>Source: <a href="https://help.fitbit.com/articles/en_US/Help_article/1935.htm">https://help.fitbit.com/articles/en_US/Help_article/1935.htm</a></p>  <p>Source: <a href="https://www.fitbit.com/global/us/technology/fitbit-app">https://www.fitbit.com/global/us/technology/fitbit-app</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[9] The system</p>	<p>Company provides the system of claim 5, comprising a disclosure component configured to cause disclosure of the score to the user.</p>



of claim 5, comprising: a disclosure component configured to cause disclosure of the score to the user.

This element is infringed literally, or in the alternative, under the doctrine of equivalents.

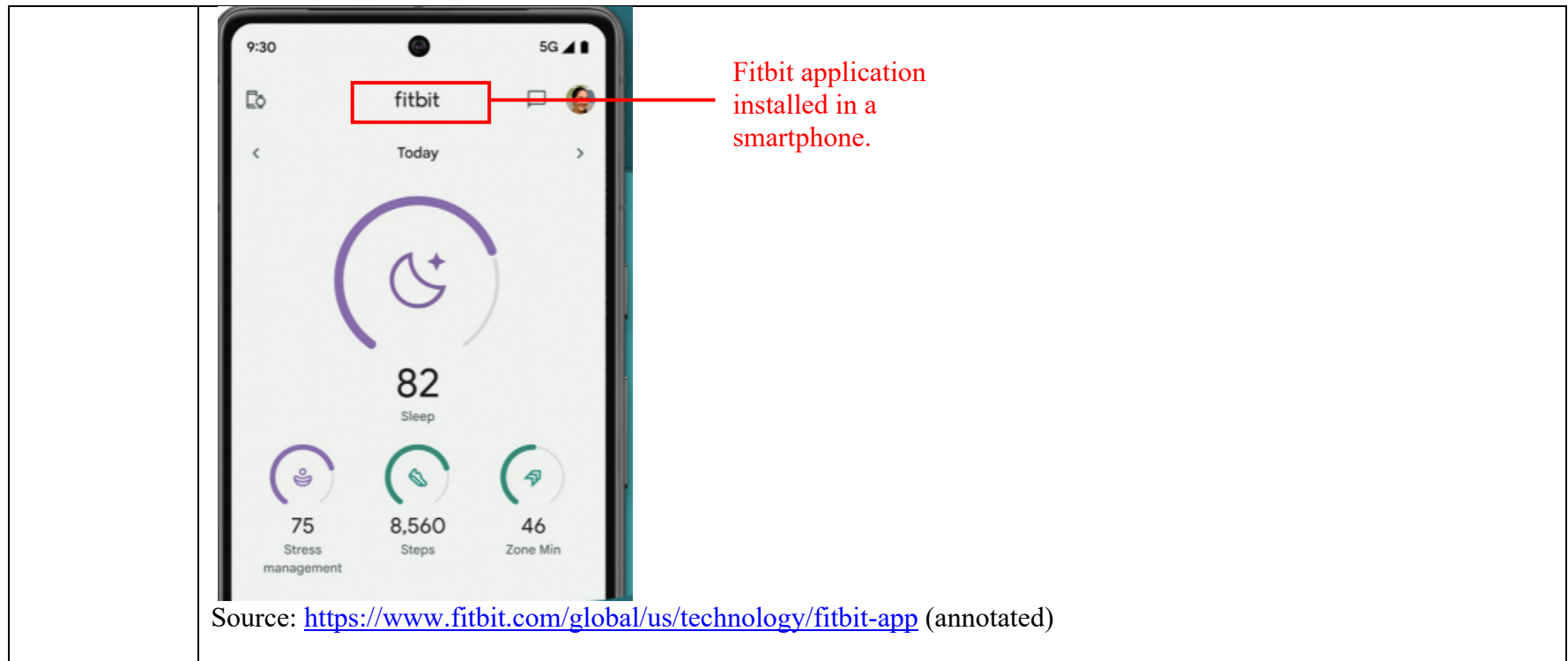
For example, the Fitbit application provides the score to the user in the form of daily readiness score that indicate the performance output of the user according to the set goals. Therefore, upon information and belief, the application comprises a disclosure component configured to cause disclosure of the score to the user.

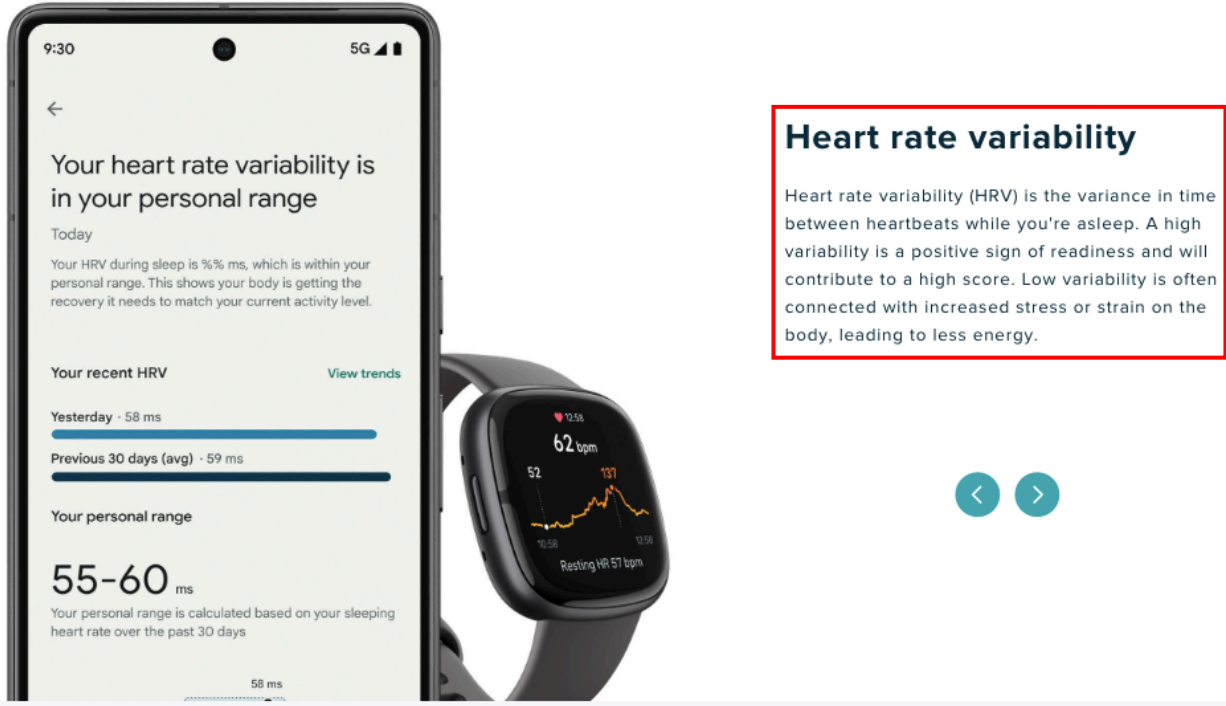


Daily  
Readiness  
Score

Score: <https://www.fitbit.com/global/us/technology/daily-readiness-score> (annotated)

	<p><b>What is Daily Readiness Score?</b></p> <p>Daily Readiness Score uses your Fitbit data to assess whether you're ready to work out or should prioritize recovery. Over time, it will help you understand how your activity levels, sleep patterns and heart rate variability from previous days contribute to how energized you feel today. <u><b>Watch this video to learn more.</b></u></p> <p><b>How is Daily Readiness Score calculated?</b></p> <div data-bbox="445 812 1134 967" style="border: 1px solid red; padding: 5px;"> <p>The score compares your recent activity, sleep and heart rate variability (HRV) levels against your personal baseline.</p> </div> <p>Source: <a href="https://www.fitbit.com/global/us/technology/daily-readiness-score">https://www.fitbit.com/global/us/technology/daily-readiness-score</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
[17.P] system comprising:	<p>A Alphabet ("Company") makes, uses, sells, and/or offers to sell a system.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, Company provides a Fitbit application, installed on multiple products including, but not limited to, a smartphone and a tablet ("system") that evaluates multiple health parameters for a user such as Heart rate variability and sleep score, received from the Fitbit watch worn by the user.</p>

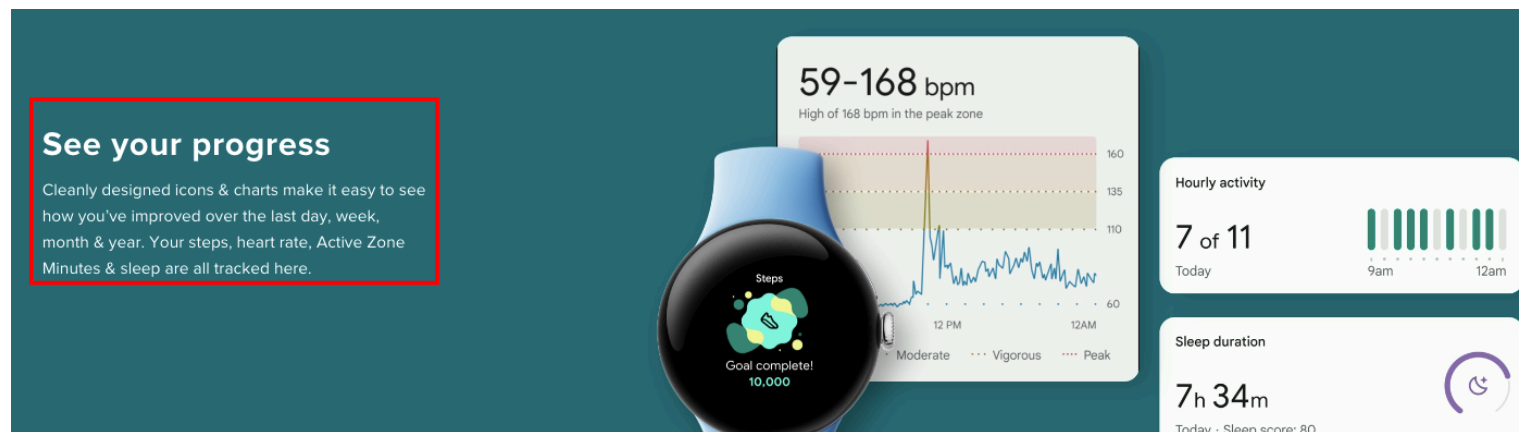




**Heart rate variability**


Heart rate variability (HRV) is the variance in time between heartbeats while you're asleep. A high variability is a positive sign of readiness and will contribute to a high score. Low variability is often connected with increased stress or strain on the body, leading to less energy.

Source: <https://www.fitbit.com/global/us/technology/daily-readiness-score>



Source: <https://www.fitbit.com/global/us/technology/fitbit-app>

#### ^ What are health metrics in the Fitbit app?

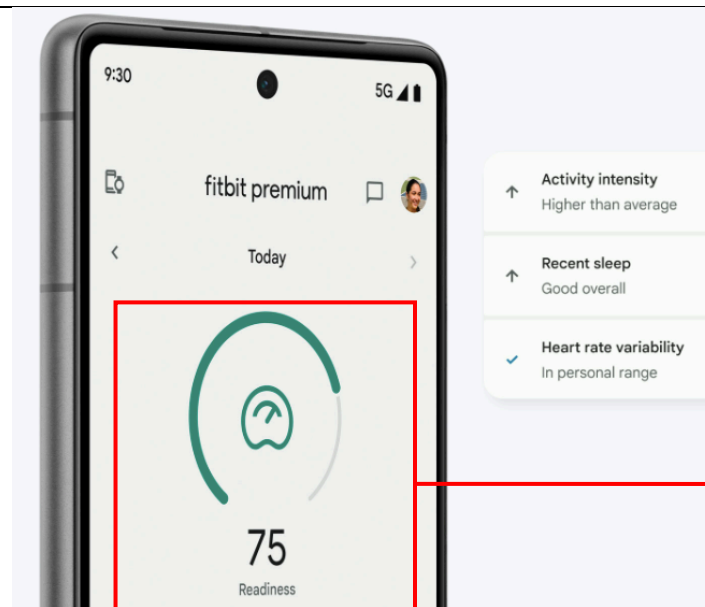
This feature tracks key metrics detected by your Fitbit device so that you can see trends and assess what's changed over time. The Health Metrics tile  in the Fitbit app includes:

- Breathing rate
- Heart-rate variability (HRV)
- Skin temperature variation
- Oxygen saturation (SpO2)
- Resting heart rate (RHR)

Source: [https://help.fitbit.com/articles/en\\_US/Help\\_article/2462.htm](https://help.fitbit.com/articles/en_US/Help_article/2462.htm)

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.

<p>[17.1] a score component configured to assign a score to at least one aspect of an actual action of a user, where the at least one aspect comprises a speed during at least part of the actual action of the user such that the score accounts for the speed;</p>	<p>Company provides a score component configured to assign a score to at least one aspect of an actual action of a user, where the at least one aspect comprises a speed during at least part of the actual action of the user such that the score accounts for the speed.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, when the user wears the Fitbit watch and performs an exercise, such as running on a treadmill the watch measures multiple health-related parameters such as heart rate, calories burnt, and the real time pace (“speed”). Further, the watch shares health-related information with the Fitbit application, which further provides a feature of daily readiness score that indicate the performance output of the user (“actual action of the user”) according to the set goals. Therefore, it would be apparent for a person having ordinary skills in the art that the application comprises a score component that assigns a score in the form of daily readiness score, according to the activities performed by the user.</p> <p>Most devices automatically track several exercises, including a walk, run, or elliptical workout.</p> <p>Source: <a href="https://help.fitbit.com/articles/en_US/Help_article/1935.htm">https://help.fitbit.com/articles/en_US/Help_article/1935.htm</a></p> <div data-bbox="420 941 1134 1282" style="background-color: #f8d7da; padding: 10px; margin: 10px 0;"> <p>Choose from strength training, kayaking and more with <b>40+ exercise modes</b> and see your stats in the moment on your smartwatch. Plus, <span style="border: 1px solid red; padding: 2px;">get real-time pace</span> &amp; distance during outdoor workouts—no phone necessary—with <b>built-in GPS</b>.</p> </div> <p>Source: <a href="https://www.fitbit.com/global/us/products/smartwatches/versa4">https://www.fitbit.com/global/us/products/smartwatches/versa4</a></p>
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Daily  
Readiness  
Score

Score: <https://www.fitbit.com/global/us/technology/daily-readiness-score> (annotated)



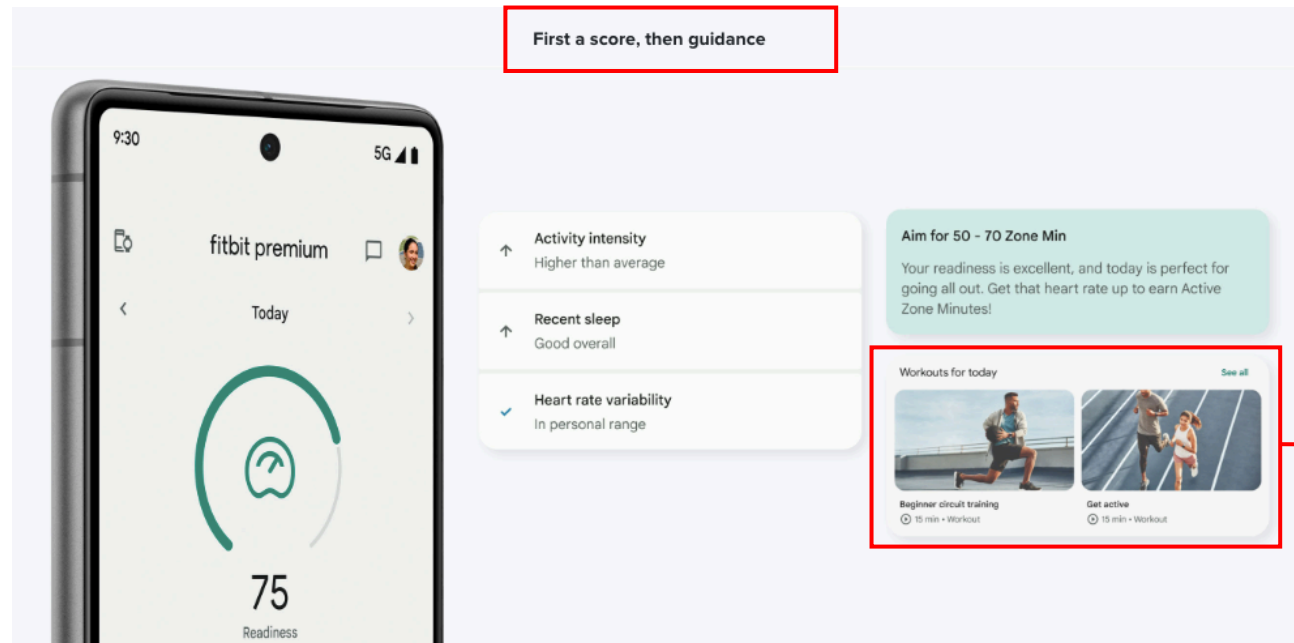
Source: <https://www.fitbit.com/global/us/products/smartwatches/versa4>, at 0:45

	Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.
[17.2] a selection component configured to select a first training plan for the user that corresponds to the score that accounts for the speed, where the selection component selects the selected training plan from a training plan set comprising the first training plan and a second training plan;	<p>Company provides a selection component configured to select a training plan for the user that corresponds to the score that accounts for the speed, where the selection component selects the selected training plan from a training plan set comprising a first training plan and a second training plan.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, on the basis of tracking the user's activity ("speed") by the Fitbit Watch, the Fitbit application suggests a Fitbit premium workout ("selected training plan") among a set of workouts ("training plan set"). Therefore, upon information and belief, the application comprises a selection component configured to select the Fitbit premium workout from a set of workouts that comprises a first training plan and a second training plan.</p> <div data-bbox="430 771 1134 1096" style="background-color: #f0e6e6; padding: 10px; margin: 10px 0;"> <p>Choose from strength training, kayaking and more with <b>40+ exercise modes</b> and see your stats in the moment on your smartwatch. Plus, <span style="border: 1px solid red; padding: 2px;">get real-time pace</span> &amp; distance during outdoor workouts—no phone necessary—with <b>built-in GPS</b>.</p> </div> <p>Source: <a href="https://www.fitbit.com/global/us/products/smartwatches/versa4">https://www.fitbit.com/global/us/products/smartwatches/versa4</a></p> <div data-bbox="430 1242 1932 1372" style="border: 1px solid red; padding: 10px; margin: 10px 0;"> <p>A high readiness score (30 or above) means you're ready to exercise. When you check your score in the Fitbit app, you'll see suggested Fitbit Premium workouts and a personalized Active Zone Minutes goal to help you stay motivated.</p> </div>

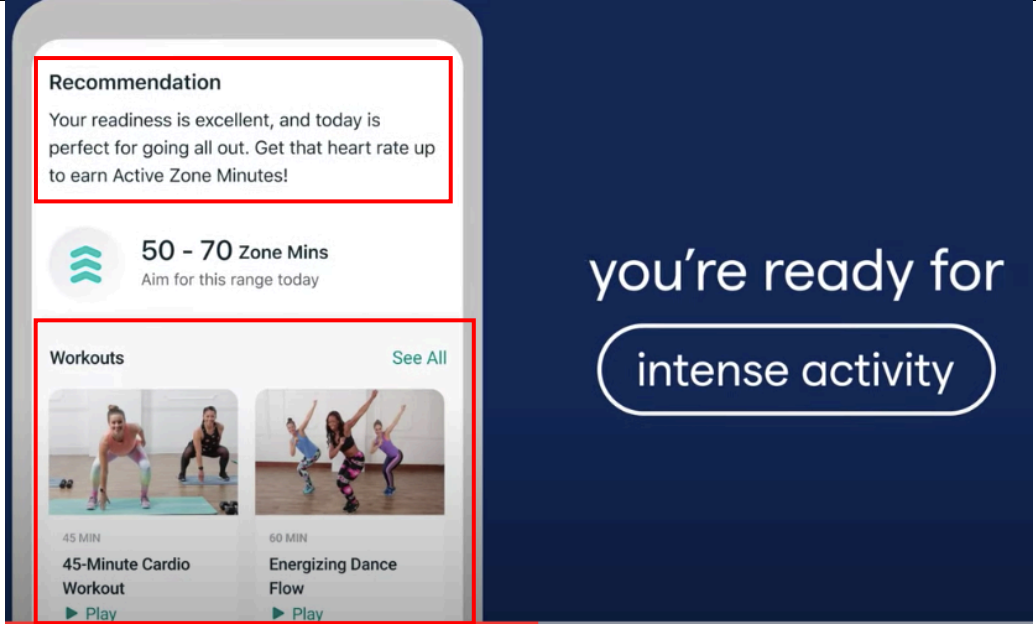


Source:

[https://help.fitbit.com/articles/en\\_US/Help\\_article/2470.htm#:~:text=A%20high%20readiness%20score%20\(30,to%20help%20you%20stay%20motivated.](https://help.fitbit.com/articles/en_US/Help_article/2470.htm#:~:text=A%20high%20readiness%20score%20(30,to%20help%20you%20stay%20motivated.)



Source: <https://www.fitbit.com/global/us/technology/daily-readiness-score> (annotated)

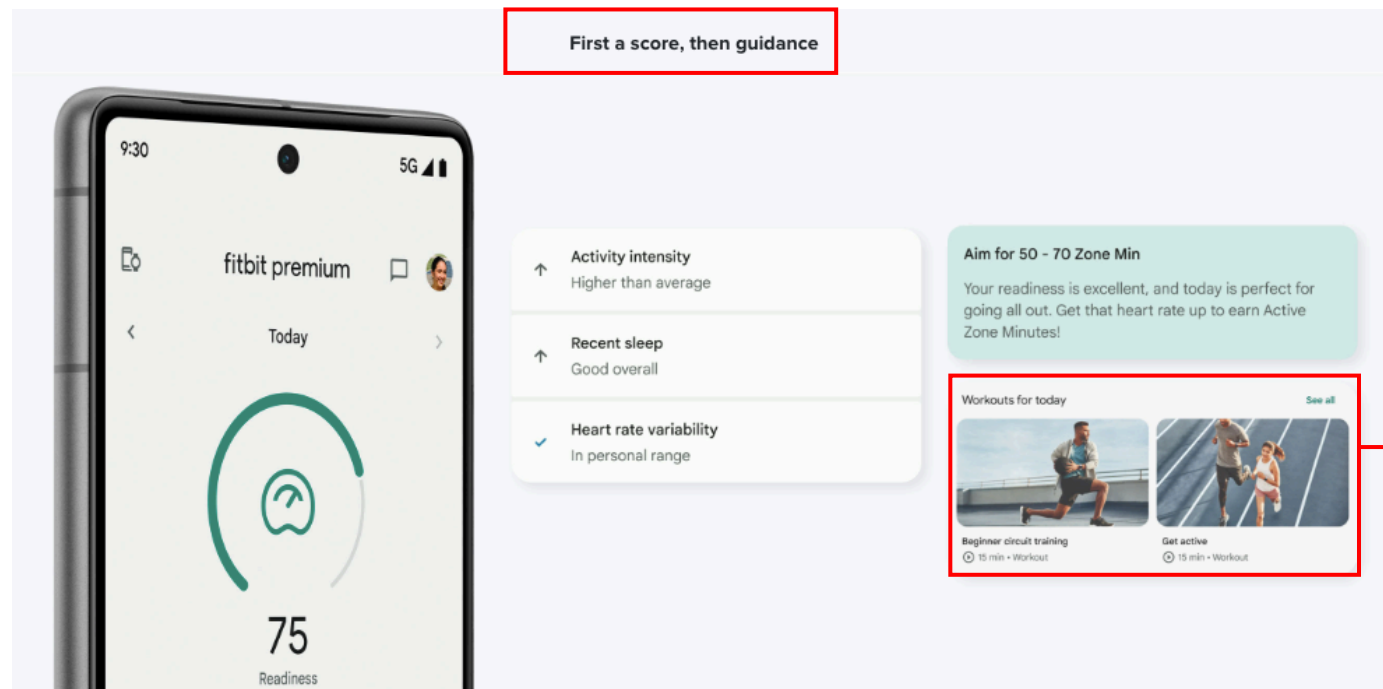
	 <p>Source: <a href="https://www.youtube.com/watch?v=6rWc7gxgu6Y">https://www.youtube.com/watch?v=6rWc7gxgu6Y</a>, at 0:35</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[17.3] an output component configured to cause the selected training plan to be presented to a user, by way of a display as</p>	<p>Company provides an output component configured to cause the selected training plan to be presented to a user, by way of a display as a recommended training plan.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the Fitbit application displays ("output component") the suggested Fitbit premium workouts ("selected training plan") along with the score for the user.</p>

a  
recommended  
training plan;

A high readiness score (30 or above) means you're ready to exercise. When you check your score in the Fitbit app, you'll see suggested Fitbit Premium workouts and a personalized Active Zone Minutes goal to help you stay motivated.

Source:

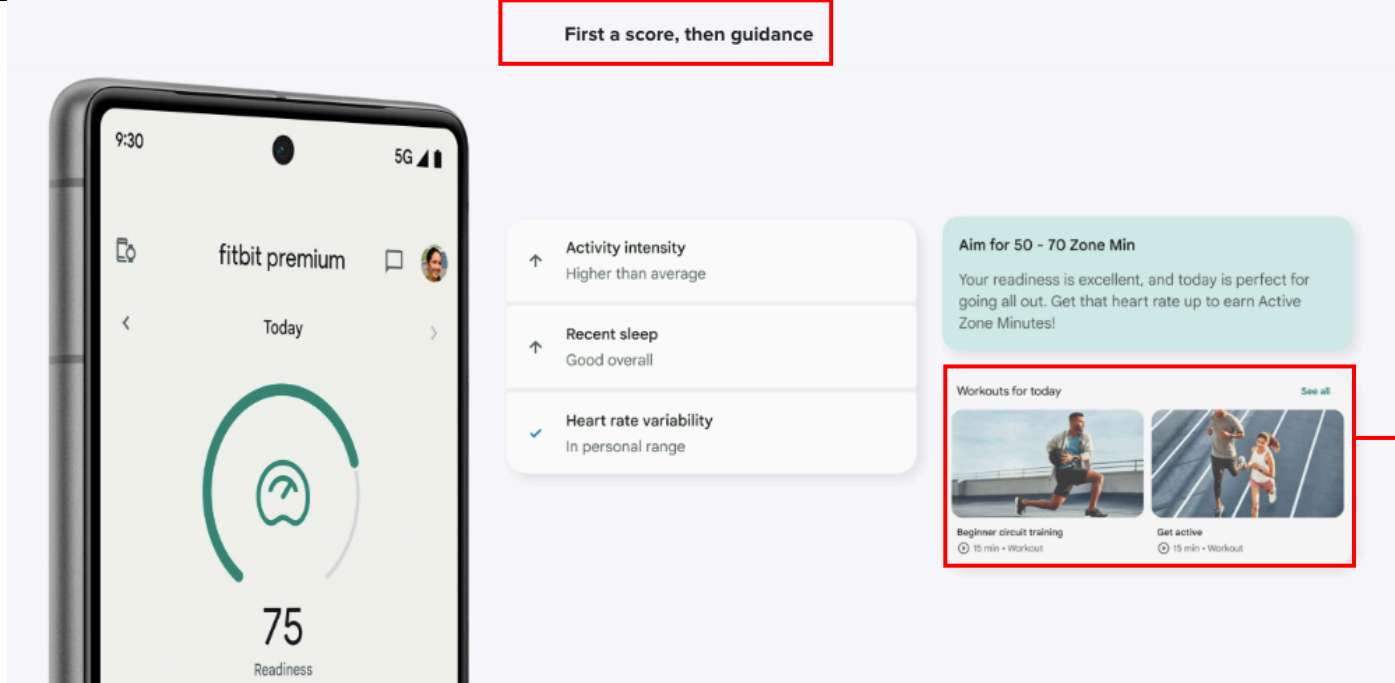

[https://help.fitbit.com/articles/en\\_US/Help\\_article/2470.htm#:~:text=A%20high%20readiness%20score%20\(30,to%20help%20you%20stay%20motivated.](https://help.fitbit.com/articles/en_US/Help_article/2470.htm#:~:text=A%20high%20readiness%20score%20(30,to%20help%20you%20stay%20motivated.)



Source: <https://www.fitbit.com/global/us/technology/daily-readiness-score> (annotated)

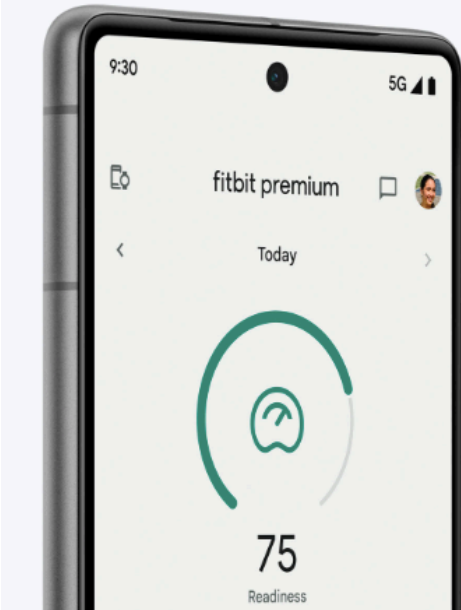
Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.

<p>[17.4] a reception component configured to receive an indication, by way of the display, that the user desires for the selected training plan to be a current training plan of the user; and</p>	<p>Company provides a reception component configured to receive an indication, by way of the display, that the user desires for the selected training plan to be a current training plan for the user.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the Fitbit application displays the suggested Fitbit premium workouts (“selected training plan”) and provides the post-workout summary. Therefore, upon information and belief, when the user selects the suggested workout, the reception component in the application receives an indication in the form of selection such that the user desires for the suggested workout to be a current training plan.</p> <p>A high readiness score (30 or above) means you’re ready to exercise. When you check your score in the Fitbit app, you’ll see suggested Fitbit Premium workouts and a personalized Active Zone Minutes goal to help you stay motivated.</p> <p>Source:  <a href="https://help.fitbit.com/articles/en_US/Help_article/2470.htm#:~:text=A%20high%20readiness%20score%20(30,to%20help%20you%20stay%20motivated.">https://help.fitbit.com/articles/en_US/Help_article/2470.htm#:~:text=A%20high%20readiness%20score%20(30,to%20help%20you%20stay%20motivated.</a></p>
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	<div data-bbox="420 240 1806 919">  <p>First a score, then guidance</p> <p>fitbit premium</p> <p>Today</p> <p>75 Readiness</p> <p>Activity intensity Higher than average</p> <p>Recent sleep Good overall</p> <p>Heart rate variability In personal range</p> <p>Aim for 50 - 70 Zone Min Your readiness is excellent, and today is perfect for going all out. Get that heart rate up to earn Active Zone Minutes!</p> <p>Workouts for today</p> <p>Beginner circuit training 15 min • Workout</p> <p>Get active 15 min • Workout</p> <p>Training plans</p> </div> <p>Source: <a href="https://www.fitbit.com/global/us/technology/daily-readiness-score">https://www.fitbit.com/global/us/technology/daily-readiness-score</a> (annotated)</p> <p>Automatically track exercise or track activity with the Exercise app  to see real-time stats and a post-workout summary.</p> <p>Source: <a href="https://help.fitbit.com/manuals/manual_versa_4_en_US.pdf">https://help.fitbit.com/manuals/manual_versa_4_en_US.pdf</a>, Page 50</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
[17.5] an appointment component configured to	<p>Company provides an appointment component configured to appoint the selected training plan as the current training plan for the user in response to the indication that the user desires for the selected training plan to be the current training plan.</p>

<p>appoint the selected training plan as the current training plan for the user in response to the indication that the user desires for the selected training plan to be the current training plan,</p>	<p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, upon information and belief, after the user selects the suggested workout (“in response to the indication that the user desires for the selected training plan to be the current training plan”), the appointment component in the application appoints the suggested workout as the current training plan for the user and then, provides a post-workout summary.</p> <p>A high readiness score (30 or above) means you're ready to exercise. When you check your score in the Fitbit app, you'll see suggested Fitbit Premium workouts and a personalized Active Zone Minutes goal to help you stay motivated.</p> <p>Source:  <a href="https://help.fitbit.com/articles/en_US/Help_article/2470.htm#:~:text=A%20high%20readiness%20score%20(30,to%20help%20you%20stay%20motivated.">https://help.fitbit.com/articles/en_US/Help_article/2470.htm#:~:text=A%20high%20readiness%20score%20(30,to%20help%20you%20stay%20motivated.</a></p>
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First a score, then guidance



fitbit premium

Today

75  
Readiness

Activity intensity  
Higher than average


Recent sleep  
Good overall

Heart rate variability  
In personal range


Aim for 50 - 70 Zone Min

Your readiness is excellent, and today is perfect for going all out. Get that heart rate up to earn Active Zone Minutes!

Workouts for today



Beginner circuit training  
15 min • Workout




Get active  
15 min • Workout

See all

Training plans

Source: <https://www.fitbit.com/global/us/technology/daily-readiness-score> (annotated)

Automatically track exercise or track activity with the Exercise app  to see real-time stats and a post-workout summary.

Source: [https://help.fitbit.com/manuals/manual\\_versa\\_4\\_en\\_US.pdf](https://help.fitbit.com/manuals/manual_versa_4_en_US.pdf), Page 50

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.

[17.6] where the score component, the selection component, the output component, the reception component, the appointment component, or a combination thereof is implemented, at least in part, by way of a combination of hardware and software.

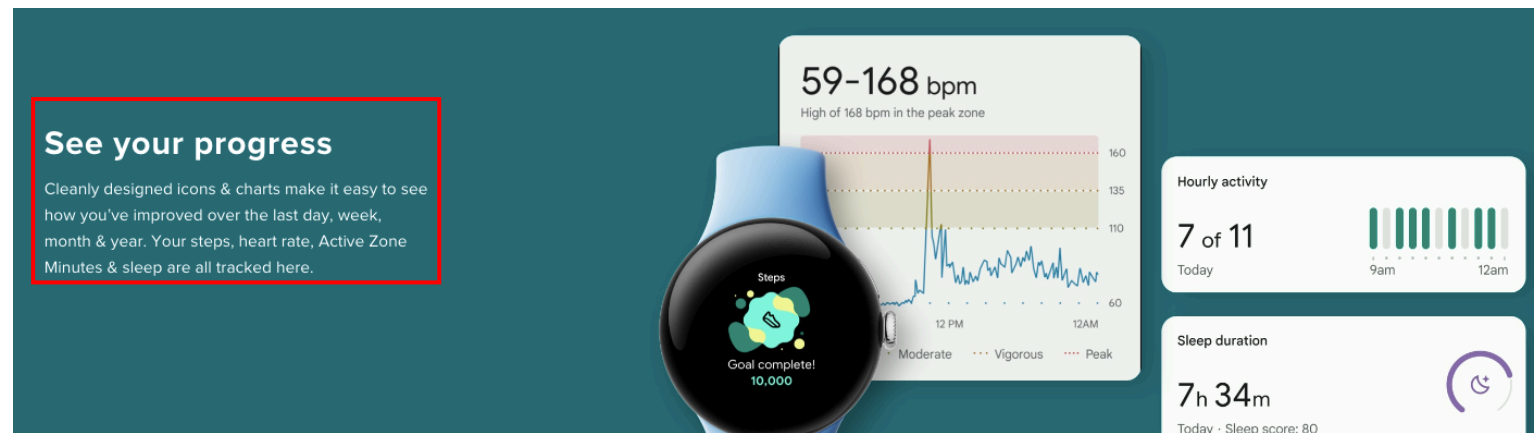
Company provides the system where the score component, the selection component, the output component, the reception component, the appointment component, or a combination thereof is implemented, at least in part, by way of a combination of hardware and software.

This element is infringed literally, or in the alternative, under the doctrine of equivalents.

For example, the process of scoring, suggesting the Fitbit premium workout, displaying the workouts, and implementing the selected workout ("the score component, the selection component, the output component, the reception component, the appointment component, or a combination thereof"), is completed by using Fitbit watch ("hardware"), that provides health related information to the Fitbit application ("software") installed in the smartphone or tablet.

**Most devices** automatically track several exercises, including a walk, run, or elliptical workout.

Source: [https://help.fitbit.com/articles/en\\_US/Help\\_article/1935.htm](https://help.fitbit.com/articles/en_US/Help_article/1935.htm)



Source: <https://www.fitbit.com/global/us/technology/fitbit-app>



	Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.
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## 2. List of References

1. <https://www.fitbit.com/global/us/products/services/premium>, last accessed on 29 November, 2023.
2. <https://www.fitbit.com/global/us/technology/daily-readiness-score>, last accessed on 29 November, 2023.
3. <https://www.fitbit.com/global/us/technology/fitbit-app>, last accessed on 29 November, 2023.
4. <https://www.fitbit.com/global/us/technology/health-metrics>, last accessed on 29 November, 2023.
5. <https://www.fitbit.com/global/us/products/smartwatches/versa4>, last accessed on 29 November, 2023.
6. [https://help.fitbit.com/manuals/manual\\_versa\\_4\\_en\\_US.pdf](https://help.fitbit.com/manuals/manual_versa_4_en_US.pdf), last accessed on 29 November, 2023.
7. [https://help.fitbit.com/articles/en\\_US/Help\\_article/2470.htm#:~:text=A%20high%20readiness%20score%20\(30,to%20help%20you%20stay%20motivated](https://help.fitbit.com/articles/en_US/Help_article/2470.htm#:~:text=A%20high%20readiness%20score%20(30,to%20help%20you%20stay%20motivated), last accessed on 29 November, 2023.